

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUAN MORGAN,)
Plaintiff,)
)
v.) Civ. No.: 05-989(RCL)
) ECF
MIKE JOHANNS,)
Secretary, Dept. of Agriculture,)
)
Defendant.)

)

CONSENT MOTION TO ENLARGE DISCOVERY PERIOD

Pursuant to Federal Rule of Civil Procedure 30(b), Defendant Mike Johanns, Secretary of the Department of Agriculture, respectfully requests a 77-day enlargement of the discovery period for the limited purpose of conducting depositions. Discovery currently is scheduled to end September 15, 2007. Defendant requests that the Court extend the time period for the parties to take depositions through November 30, 2007. Pursuant to Local Civil Rule 7(m), counsel for Defendant contacted pro se plaintiff concerning this enlargement motion. Plaintiff consented to the enlargement.

This is an employment discrimination case arising out of Plaintiff's employment with the United States Department of Agriculture ("USDA") in Panama. Plaintiff wishes to depose two current USDA employees and four individuals who were USDA employees at the time of the events at issue in this litigation. Plaintiff has alleged that these six individuals either discriminated against him or have information that would support the allegations in his complaint.

Defendant requests an enlargement of the discovery period for the limited purpose of completing depositions. Defendant seeks the enlargement due to difficulties encountered while

scheduling depositions for the USDA employees. The two USDA employees that Plaintiff wishes to depose have extensive foreign travel obligations in connection with their jobs, and will be outside the United States — specifically in Jamaica, Mexico, Panama, the Phillipines, Thailand, and Tokyo, Japan — for the foreseeable future. In late August, Plaintiff noticed those witnesses' depositions, and requested that they be deposed in Washington, D.C. However, there were no dates during the discovery period on which counsel for Defendant and the witnesses were available for depositions in Washington, D.C. Plaintiff has requested that his deposition be re-scheduled for the same week as the deposition of the USDA employees.

The parties are in the process of selecting new dates for depositions. Defendant will make a good-faith effort to bring the USDA employee alleged to have discriminated against Plaintiff to Washington, D.C. for his deposition. However that witness will be in East Asia for at least the next six weeks, and due to conflicting travel obligations and other professional commitments, November, 2007 is the earliest time period during which he will be able to travel to the United States for a deposition. Accordingly, Defendant requests that the time for conducting depositions be extended through November 30, 2007, so that the international travel arrangements can be made. In the event that Plaintiff subpoenas the witnesses who have retired, the enlargement of time also would facilitate the scheduling of their depositions.

Granting this limited enlargement of the discovery period should cause no prejudice to either party.

For the foregoing reasons, the parties respectfully request that the Court GRANT this motion, and permit depositions to be conducted through November 30, 2007.

Dated: September 17, 2007

Respectfully submitted,

/s/ Jeffrey A. Taylor
JEFFREY A. TAYLOR, D.C. BAR # 498610
United States Attorney

/s/ Rudolph Contreras
RUDOLPH CONTRERAS, D.C. BAR #434122
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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2007, I caused a copy of the foregoing to be served upon *pro se* plaintiff and his counsel by electronic mail and first class mail, postage prepaid, addressed as follows:

Juan Morgan
Pro se Plaintiff
PSC 2, Box 2814
APO AA 34002

John F. McHugh, Esq.
6 Water Street
New York City, NY 10004

/s/ Robin M. Meriweather

Robin M. Meriweather, D.C. Bar # 490114

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Secretary, Dept. of Agriculture,)	
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Defendant.)	
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Upon consideration of Defendant's Motion to Enlarge Discovery Period it is, this

_____ day of _____, 2007,

ORDERED that Defendant's Motion to Enlarge Discovery Period be, and hereby is,

GRANTED;

it is further ORDERED that the fact discovery shall be extended for the limited purpose
of completing depositions, and that depositions shall be completed by November 30, 2007.

SO ORDERED.

United States District Judge